Mixed bloods sue for hunt rights

By Bob Kuesterman
Associated Press writer

The only group of mixed blood Indians to be federally declared non-Indians hopes to turn a case concerning a dead deer into a court ruling affirming their rights as native Americans.

The mixed bloods, descendants of Indians who married whites, hope eventually to overturn the 1954 act of Congress which divided them from the full-blooded Ute indians of eastern Utah and declared them no longer federal wards.

Glen Murdock, 51, of 50 percent Ute blood, goes before a Duchesne justice of the peace Tuesday for shooting a four-point buck on his property near the Uintah-Ouray Indian Reservation.

The state says he was a non-Indian hunting on Indian land.

He says he is a Uintah Ute exercising his right to hunt on Indian lands, a right he and other mixed bloods claim was not lost when those of 50 per cent Ute blood of less were "terminated."

Termination was a federal policy of the 1950s, now disavowed, to release bands of Indians from federal supervision.

The Utes were the only band divided, and the only case of mixed bloods being terminated. There were 490 mixed blood Utes, since organized as the Affiliated Utes, and 1,300 full-bloods.

The termination provided for division of assets, including reservation land, 73 percent to the tribe and 27 percent to the Affiliated Utes. Of the mixed bloods' lands, 33 percent was sold to non-Indians within a few years.

Most of the mixed bloods are brought up as Indians, many living on the reservation with the fullbloods.

Murdock, a director of the Affilated Utes, argues the termination was intended to put their property on tax rolls, but provided for them to retain prior rights, including hunting and water rights.

Murdock says he will plead innocent to the hunting charge and hopes to find attorneys who will appeal the case until a high court rules the mixed bloods retain their rights.

He, other Affiliated Utes directors, and a new organization of terminated Indians, called Awat Paw or Big Water, also argue the termination did not follow due process and all provisions of the act were not carried out. They hope to overturn it.

The termination resolution envisioned the fullbilods would be terminated in 10 years, but they were not and the termination policy has been abondoned.

For Murdock and some others, the attempt of the state to regulate their hunting and fishing is the prime complaint.

"For us it is not recreation," says Murdock, who says he kills about a half dozen deer a year to feed his family.

"We use all of the deer. We dry the meat. We do not freeze it like the non-Indian. We tan the hide. The white man sells it. We even use the antlers to make jewelry," he says.

Clair Huff, regional supervisor of the Utah Division of Wildlife Resources, says the citation was regarded as routine and not a test case. He says other mixed bloods have been cited in the past for hunting violations, which Murdock and other mixed blood leaders deny.

Calvin Hackford, also a director of the Affiliated Utes, and some others say water rights are their main concern. He says that after termination the state said the mixed bloods did not have rights to the water on their land.

"We contend our rights predate the state," he says.

Among fears is that they will lose water due to the Central Utah Project, under construction to transport water to the heavily populated areas of the state.

Others became active in opposing termination because of being treated as an Indian by some welfare agencies and as a non-Indian by the tribal agencies.

We went to the state employment, and they said we were Indian. We went to the Tribe and the BIA Bureau of Indian Affairs, and they said we were non-Indian," says Ila Shivers, founder of Awat Paw.

Matheson pledges to support retarded

By Jon Webb
Deseret News staff writer

AMERICAN FORK — Gov.-elect Scott Matheson pledged his support to the cause of Utah's 33,000 mentally retarded Sunday at a meeting of the Mental Retardation Association of Utah at the Utah State Training School.

Matheson spoke on the rights of the mentally retarded as set forth in recent Senate legislation, saying they have a right to achieve their maximum potential, whether in private or public care centers.

"The state should not be made to choose one or another," he said, speaking of HEW rules governing the administration of schools for the mentally retarded.

Saying people at local levels do have influence in federal legislation, Matheson told how a group called the New Coalition succeeded in getting HEW to relax stringent regulations on mentally retarded care centers.

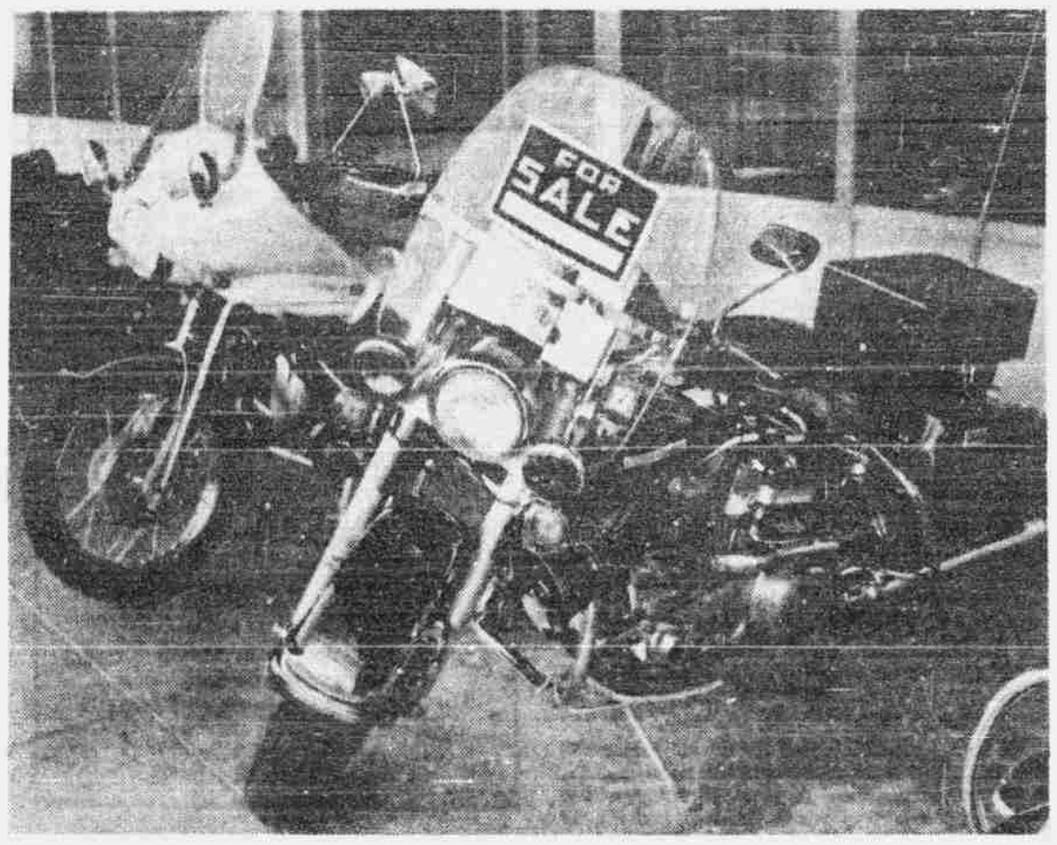
"I stand ready to assist and support and defend and march with you in achieving the end for which we all work," he said.

In early remarks, Dr. Paul S. Sagers, school superintendent, alluded to a media flap regarding the school last year. He said, "Our goals and objectives have not changed as opposed to a year ago when the eyes and ears of Utah were focused on Utah State Training School."

He said, "We do not apologize for the quality of our food in the past, but we do realize that we have room to improve."

Sagers told how he had his life renewed again by a student's theme found on his desk one morning after he had worked late and had a hard time getting up.

One line of the theme, written by a crippled student, said, "I wish I could get out of bed like other people." Sagers said it showed him the importance of "telling it like it is in working with the mentally retarded."



End of an era

For sale sign on police motorcycle signals the end of Salt Lake City Police Department's motorcycle patrol, abolished because of excessive costs. Nine cycles will be auctioned off next month and the officers reassigned. Their last official act was escorting the Santa Claus parade Saturday.

David Burgoyne, USU dean, dies

LOGAN — David A. Burgoyne, 79, Utah State University staff member for 45 years and prominent civic leader, died Nov. 21, 1976, at his home.

Mr. Burgoyne

During his 45 years at Utah State University, Mr. Burgoyne was assistant to six directors of the Agricultural Experiment Station, served as acting director on several occasions, and was acting dean of the College of Agriculture on two occasions.

Active in civic affairs, he was director of the Cache Chamber of Commerce, secretary treasurer of the Logan Lions Club for 24 years, and served as secretary of the Cache Valley Boy Scouts Council. He was also a member of the Cache Valley and Utah Historical societies.

Mr. Burgoyne and his wife, Allie Petersen Burgoyne, were named 1972 Alumni of the Year by the Utah State University Alumni Council.

He was a graduate of Brigham Young College and Utah State University. He received his masters degree from the University of Illinois. He was a member of Phi Kappa Phi.

A member of The Church of Jesus Christ of Latter-day Saints, Mr. Burgoyne served as Sunday School superintendent and high priest in the Logan 5th Ward. (See obituary on B-8)

Uranium firms to work together

Mineral Energy, Inc., an Orem uranium development company, has entered into a tentative agreement with Energy Fuels Limited, Denver, for the development of uranium claims.

Mine firm to lay off 75

By Arva Smith
Deseret News staff writer

CASTLE GATE, Carbon County — Fifty-two miners and 23 salaried personnel at Braztah Corp. are being laid off because the company has not received approval of its mining plan for federal coal reserves, William H. Haynes, executive vice president, said today.

He said the layoffs were effective Friday for the miners and will be effective Dec. 1 for salaried personnel. The company hopes the layoffs will be temporary.

Haynes said the plan for mining on federal leases was submitted 18 months ago but is still in the review process. The company anticipates eventual approval but has run out of coal reserves at the Number Five Mine unless those on federal land are utilized.

He said some of the coal leases date back to 1921, but the mining plan is subject to periodic review by the U.S. Geolgical Survey. Operations at the Number Five Mine began in April 1975 on privately owned reserves not under federal lease. The Number Three Mine, which has been operating continuously over the years has not been affected.

Obtaining approval of mining plans has been complicated by the National Environmental Policy Act which requires government agencies to analyze the socioeconomic impact on communities, Haynes said. Amendments to the Coal Leasing Act which were put into effect in the last six months are also contributing to the delay, he said.

Braztah Corp. purchased and is mining properties formerly operated by the Carbon Fuel Co. at Martin, the North American Coal Co. at Castle Gate and the old Spring Canyon Mine. The coal is shipped by train to American Electric Power, a utility company in the Midwest.

Hunters find body in field

ELBERTA, Utah County — Results of an autopsy were awaited today to determine the cause of death of Dennis I. Payne, 53, Orem, who was found dead in a field near here by hunters Sunday.

Utah County Deputy Sheriff Jay Colledge said the death appeared to be due to a self-inflicted gunshot wound. The man had been dead three to six days.

$4,500 in goods stolen

Thieves netted about $4,500 in jewelry and goods from separate burglaries Salt Lake.

Salt Lake police estimated that $2,350 in jewelry was taken from a motel room at 740 W. North Temple. The room was registered to Mr. and Mrs. Robert Kelley, Officer N. J. Barraclough said.

According to Barraclough, the theft took place when the Kelleys left the room for a few minutes.

A truck belonging to an employe of a furniture store at 2001 N. 900 West was burglarized while parked outside the store. The thieves broke open a wing vent on the truck and escaped with more than $2,100 worth of clothing and radio equipment, Officer Larry C. Checketts said.

Aid impact on jobs studied

DENVER (UPI) — The U.S. Labor Department wants information about the possible adverse impact on employment of federal aid to Intermountain Pipe & Welding of Pleasant Grove, Utah.

The manufacturer of fabricated metal products has applied to the secretary of agriculture for grants, loans or loan guarantees provided under the Consolidated Farm and Rural Development Act.

Under that law, the secretary of labor must determine if such aid might result in the transfer of jobs of business activity from one area to another by the applying company.

Federal assistance to establish and new branch or expand an existing plant is possible only if the action will not result in an loss of jobs in the area of present operations.

The fear of cattle grower

DENVER (UPI) — The president of the American National Cattlemen's Association said here his biggest fear was politicians who fail to understand the nature of the cattle business and try to slap price controls on beef if consumer prices start to rise.

"If price controls are put on beef, just as cattlemen are starting to recover, it will mark the end of their business for many," said Wray Finney. "And in the long run, that will mean less beef and higher beef prices for consumers."

Finney told a Chamber of Commerce meeting that leading consumer advocates now agree the 1973 beef boycotts and price-freeze were counter-productive, "and it would be a disservice to the public as well as our industry if our government made the same mistake again."

Price controls on agricultural commodities not only would be disastrous for the nation's cattle industry, but would jeopardize future beef supplies, Finney said.

Foul time for fowl farms

Continued from B-1

Wayne Evans, whose Salt Lake City public relations firm handles the advertising account for Utah's turkey growers, said it costs over 53 cents per pound to raise a turkey, and wholesale prices are as low as 47 cents per pound.

Some producers may go bankrupt this season, Evans predicted. In the fourth quarter of this year, 470 million pounds of the gobbler meat were available, compared with 409 million last year.

For the consumer, this is an opportunity to stock up on turkey, not only for Thanksgiving, but for future holiday meals as well.

For the grower, no matter how you slice it, it's fowl weather ahead.

Utah takes safety step

News Washington Bureau

WASHINGTON — Utah has taken a big step toward state control of the federal Occupational Safety and Health Act (OSHA) programs. Full state control may occur in a year.

According to a notice of certification filed in the Federal Register, Utah has become the fifth state to complete all developmental steps in its job safety and health plan, as required by the 1970 act.

The act gives states the option of developing and implementing their own plans, with 50 percent federal financing. The plans must be at least as effective as the federal regulations before the state can assume control. Once this happens, Utah will do its own checking to see that safety and health conditions are up to par at places of employment throughout the state.

Utah will receive 50 percent federal assistance for program operations for the rest of the fiscal year, which began Oct. 1. This will amount to $487,681.

The Utah program will be monitored and checked carefully for at least a year to see if it is as effective as the federal program. At the end of the period, the assistant secretary of labor may grant final approval of the state's plan and relinquish federal jurisdiction in the state over health and safety.

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